

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA**

In re

**INCREDIBLE AUTO SALES LLC,**

Debtor.

Case No. **06-60855-11**

***ORDER ALLOWING  
LIMITED USE OF CASH COLLATERAL***

At Butte in said District this 7<sup>th</sup> day of November, 2006.

In this Chapter 11 bankruptcy, a hearing was held November 6, 2006, and November 7, 2006, on Debtor's "Emergency Motion as to Use Cash Collateral Pursuant to 11 USC Section 363 of the Bankruptcy Code and as to Offer of Adequate Protection to Hyundai Motor Finance Company", together with the objections thereto by Manheim Services Corporation, Auto Auction of Montana, Hyundai Motor Finance Company and Steve's Auto Sales, Inc.; and on Hyundai Motor Finance Company's "Emergency Motion to Prohibit or Condition Use, Sale or Lease of Inventory and/or Cash Collateral", together with the objections thereto by Debtor and Auto Auction of Montana. Debtor was represented at the hearing by attorneys William L. Needler of Northbrook, Illinois and Clarke B. Rice of Billings, Montana. Additionally, Hyundai Motor Finance Company was represented by attorney Shane Coleman of Billings, Montana; Manheim Services Corporation, d/b/a South Seattle Auto Auction was represented by attorney Christopher Birkle of Billings, Montana; Auto Auction of Montana was represented by attorney Bruce F. Fain of Billings, Montana; and Steve's Auto Sales, Inc. was represented by attorney James A. Patten of Billings, Montana.

The Court heard testimony from Nick Gutierrez, William J. O'Connor II, and Dale Ueno.

Debtor's Exhibits 1, 2, 3, 4, 5, 6, page 3 only of Exhibit 7, and Exhibit 8, along with Hyundai Motor Finance Company's Exhibits 1 through 6 were admitted into evidence.

At the conclusion of the hearing, the parties agreed to enter into a stipulation providing for Debtor's use of cash collateral for a period of 45 days. Until that stipulation is filed and approved, the parties agreed that the Court could enter an order allowing for the limited use of cash collateral. In particular, Debtor could use \$35,000.00 to pay past due payroll and could use \$6,000.00 to pay insurance. In accordance with the agreement of the parties,

IT IS ORDERED that Debtor, Hyundai Motor Finance Company; Manheim Services Corporation, d/b/a South Seattle Auto Auction, Auto Auction of Montana, and Steve's Auto Sales, Inc. shall have through Monday, November 13, 2006, to submit a written stipulation, and proposed order, fully resolving Debtor's Emergency Motion as to Use Cash Collateral Pursuant to 11 USC Section 363 of the Bankruptcy Code and as to Offer of Adequate Protection to Hyundai Motor Finance Company, and Hyundai Motor Finance Company's Emergency Motion to Prohibit or Condition Use, Sale or Lease of Inventory and/or Cash Collateral.

IT IS FURTHER ORDERED that in the interim, Debtor's Emergency Motion as to Use Cash Collateral Pursuant to 11 USC Section 363 of the Bankruptcy Code is granted to the limited extent that Debtor may use up to \$35,000.00 to pay its payroll obligations and \$6,000.00 to pay its present insurance obligations.

BY THE COURT

A handwritten signature in cursive script, reading "Ralph B. Kirscher", is written over a horizontal line.

HON. RALPH B. KIRSCHER

U.S. Bankruptcy Judge

United States Bankruptcy Court

District of Montana